

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to fees for radiological health programs

The Public Health Department hereby amends Chapter 38, “General Provisions for Radiation Machines and Radioactive Materials,” and Chapter 42, “Permit to Operate Ionizing Radiation Producing Machines or Administer Radioactive Materials,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 136C.3 and 136C.10.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 136C.

Purpose and Summary

This rule making consists of several amendments providing for fee adjustments to align with program costs.

Adjustment of fees is necessary to defray the costs of Bureau of Radiological Health programs for licensing, registration and inspection related to radiation machines and radioactive materials. The Bureau is authorized by Iowa Code chapter 136C, which states that fees shall be established to defray the cost of administering the program, to keep and retain these fees to support program activities. The majority of the fees to administer Bureau programs have not been raised for at least 20 years. More specifically:

- The radiation machine fees have not been changed since before 1998.
- The permit-to-practice fees have not been increased since 2007, when a \$15 fee increase was implemented.
- The mammography fees have not been raised since 2006, and the accreditation fees are no longer applicable because the Department is transitioning away from accreditation activities and is requiring facilities to use the national accrediting body.
- The radioactive materials fees were last updated in 2010, but that update was a reorganization of the fee structure to create initial and annual fees rather than separate inspection, renewal and initial fees. The fee change in 2010 did not result in an increase in overall fees, and radioactive materials (RAM) fees overall have not been increased since before 2007.
- The industrial radiography fees were last increased in 2007.

Although the fees have not significantly changed over the last 10 to 20 years or more, salaries and costs for programs continue to increase in line with inflation costs, which were represented by an approximately 55 percent increase from 1998 to 2018.

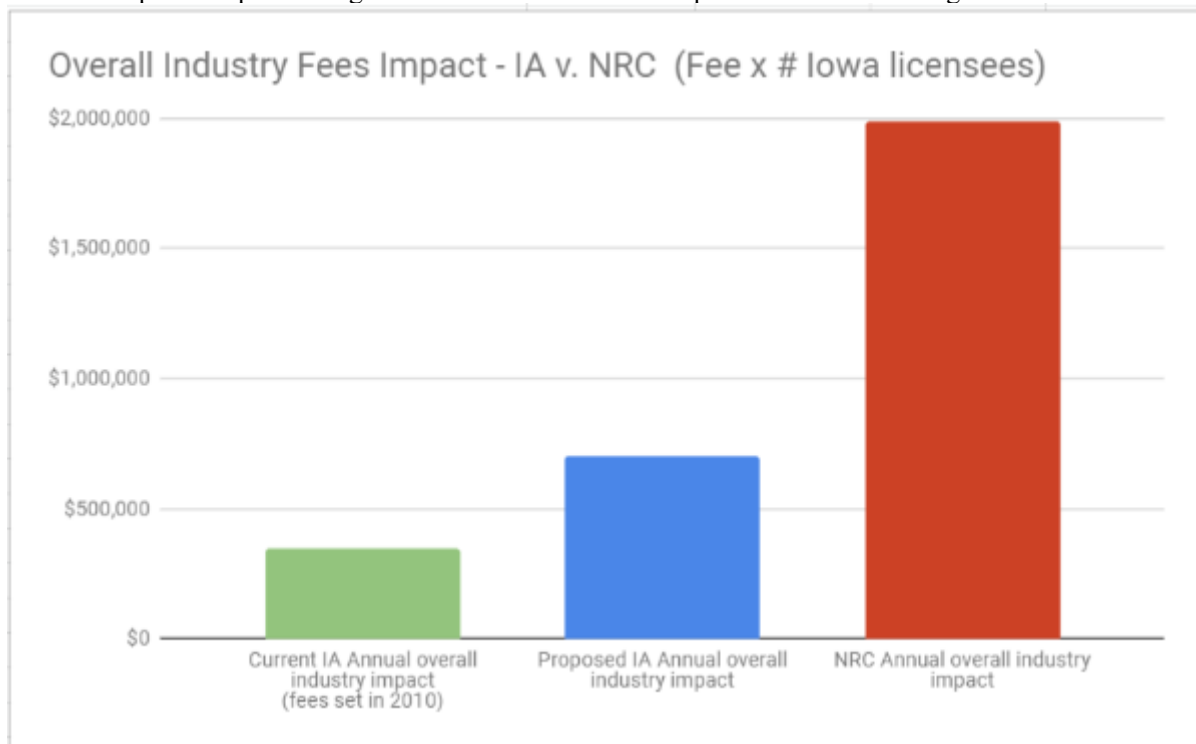
The fee increases adopted herein are not designed to add to the regulatory burden or to expand the programs but rather only to reset the fee structure to support existing staff and systems for licensing, registration and inspection activities already authorized and in place. Current program activities are in line with national practices established across all 50 states and led by the Conference for Radiation Control Program Directors. Further, the radioactive materials and mammography programs are delegated by federal agencies to states to regulate the states’ respective licensees and are required to remain adequate and compatible with the national programs. Projections show that these adopted fee increases will address needs for projected expenses for the Bureau’s programs when accounting for assumed inflation through FY 22, so additional solutions for funding the Acute Disease Prevention, Emergency Response, and Environmental Health Division’s divisionwide database and adjusting for estimated increases in existing resources will also continue to be explored prior to FY 23.

NEED FOR INCREASE AND PROJECTED IMPACTS

The Department delayed the implementation of fee increases for as long as possible through, in large part, the spenddown of an emergency reserve of funding that was generated over time. The intent of the emergency reserve funding was to set aside and maintain a funding source to pay for cleanup of abandoned or dispersed radioactive material. Cleanup of this nature could cost millions of dollars. While the risk of such an emergency cleanup is small, the impact and cost of such a cleanup would be significant, and the Department chose to delay fee increases as long as possible by pulling from the emergency reserve funding. The adopted fee increases do not include an adjustment to replace this emergency reserve funding; rather, the focus of the fee increases is to maintain a revenue versus program expenditure balance.

The fees must be aligned to cover program costs at this time, or the Department, through staff reductions and reduced oversight of the use of radiation machines and radioactive materials in Iowa, would be forced to reduce the Bureau's ability to adequately protect the public from ionizing radiation. If the current fees were not changed, the Bureau's expenses would continue to outpace the income from fees by more than \$600,000 per year and result in a nearly \$800,000 shortfall by FY 20. The only other options for rectifying this deficit would be to stop the use of the online licensing system/database or to reduce staff. Neither of those options alone would completely address the shortfall or allow the Bureau's programs to continue to operate to protect public health and safety.

Reducing staffing costs by \$800,000 would result in the loss of nearly all of the Bureau's ten staff (currently, staffing accounts for about \$950,000 annually), which would severely restrict the work that could be performed by the programs. Most concerning is that this reduction of staff would limit the Bureau's ability to maintain adequate staffing to meet the requirements for program capacity as defined by the federal agreements in the radioactive materials and mammography programs. Registrations and audits for all programs would be greatly delayed, and inspections would not be able to be performed. The radioactive materials and mammography programs are delegations of federal regulations, so if the Bureau were unable to carry out activities for those programs, the federal agencies would resume regulation of the Iowa facilities. In that case, Iowa facilities would be forced to pay the federally established fees, which are up to 175 percent higher than the fee increases adopted in this rule making.



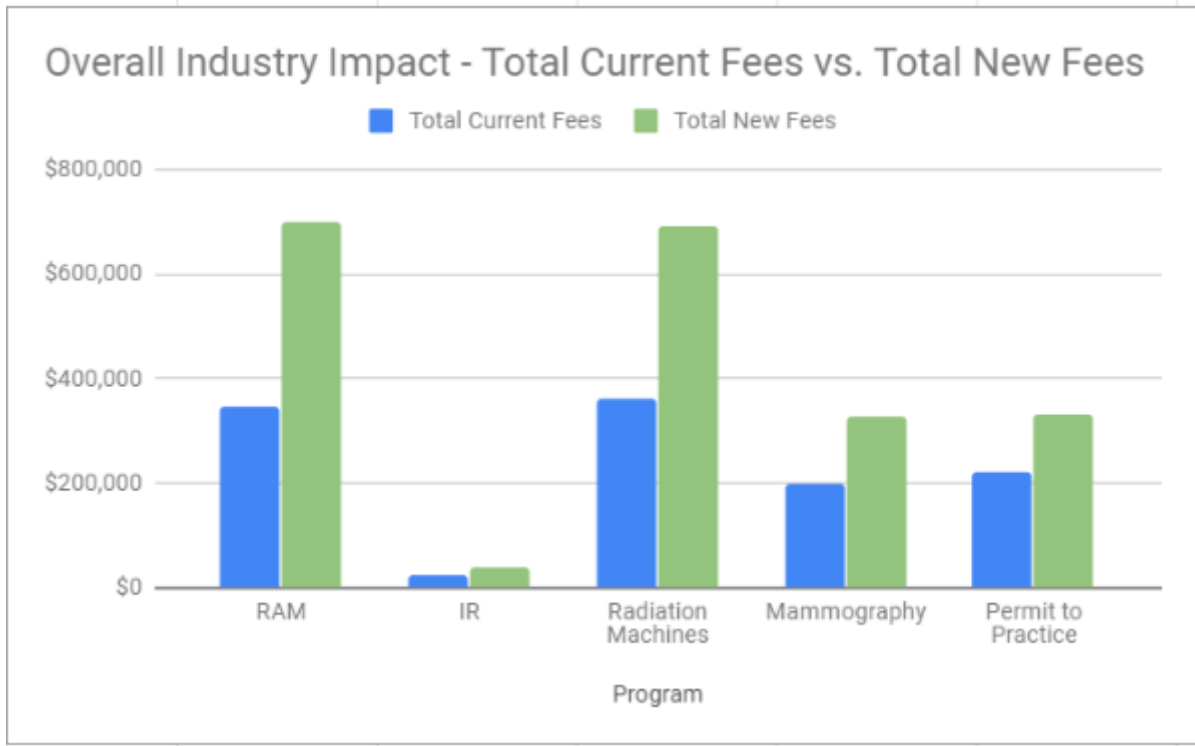
If fees were not aligned with current costs, the Division could also be forced to consider discontinuing the online licensing system, which would be an unfortunate waste of the investment of resources and

funds used to create a more efficient divisionwide licensing system. This licensing database is poised to integrate with other Department licensing systems, which will allow for more efficiencies and potential cost savings for the majority of Department licensing. Without the database system, the processes for registration, licensing, and inspection would return to paper and mailing and the Division would be left without a database to manage the billing for online fee collection. This would require more staff time to be allocated to administrative functions, and staff would not be able to perform the audit and inspection processes required to ensure the proper use of radiation machines and radioactive materials to keep Iowans safe. In addition, the reduction of the licensing database costs alone would not close the entire \$800,000 gap, so Bureau staff would also have to be reduced by more than one-fourth and reduced staff would be faced with a significant influx of paperwork to manage without a database.

PROCESS FOR FEE REVIEW AND ADOPTED INCREASES

The fees across all Bureau programs were evaluated and compared to fees from surrounding states and federal agencies that regulate the same radiation programs. As a result, some fees were removed, and other fees were increased in a range from 0 to 100 percent compared to existing levels, with an average increase of 81 percent across all programs, which will provide funding levels to cover expected inflation through FY 22. These new adopted fees are on average the same as surrounding states' fees and are 175 percent below Nuclear Regulatory Commission (NRC) fees for radioactive materials specifically. Overall, the industry impacts from these adopted fee increases for the programs are weighted as indicated in the following chart and graph and vary by registrant/licensee type within each program. For example, within the radiation machine program, the adopted fee increase for dental radiography machines is 55 percent (from \$39 to \$60) while the adopted fee increase for medical radiography machines is 135 percent (from \$51 to \$120), with the actual amount of the fee change as \$21 and \$69, respectively. In some cases, such as the \$500 reduction in the registration fee for food sterilization, fees were reduced to bring the fee more in line with the other accelerator fees.

Program	Total Current Fees	Total New Fees	% Increase	Overall # Registrants/Licensees
RAM	\$348,200	\$699,415	101%	337
Ionizing Radiation (IR)	\$25,800	\$40,314	56%	184
Radiation Machines	\$362,775	\$690,057	90%	8186
Mammography	\$198,419	\$328,346	65%	144
Permit to Practice	\$221,100	\$331,650	50%	4422
TOTAL INCOME (renewals/annual fees only)	\$1,156,294	\$2,089,782	81%	



Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 22, 2019, as **ARC 4446C**. A public hearing was held on June 17, 2019, at 10 a.m. in Room 418, Lucas State Office Building, Des Moines, Iowa. One person attended the public hearing but did not provide any comments.

Summary of Written Comments Received: The proposed rule making received over 2,000 views on the rules.iowa.gov website, and a total of 43 comments were received. The comments focused on three main concepts: questions regarding why the fees were not adjusted in smaller increments over time, requests for consideration of a phased implementation of the fee increases over the next few fiscal years, and support for fee adjustments to ensure continuation of the Bureau's programs. There were also comments regarding which programs should have increases; however, there was not a specific trend of comment consistency to indicate that fees for any one portion of the industry should be adjusted. One commenter expressed concern about duplication of services these fees covered for state programs in relation to the X-ray machine calibrations that require facilities to hire outside service providers and pay for those services. One commenter noted the typographical error for the radioactive material program fees for "Medical – Diagnostic & Therapy" and "Medical – Diagnostic, Therapeutic, Emerging Technologies."

Department's Response and Summary of Changes: All comments were reviewed by the Department. The Department considered the possibility of phasing in the fee increase over several fiscal years; however, this approach does not allow for program sustainment through FY 22 without providing other funding options to cover the projected shortfalls. The Department understands that the 81 percent increase in fees all at one time impacts industry and will make efforts to have better visualization on revenue and expenditures alignment by providing an annual report to the Board of Health to outline current program status.

In subrule 38.8(2) in Item 1, the fees for "Medical – Diagnostic & Therapy" and "Medical – Diagnostic, Therapeutic, Emerging Technologies" in the fee schedule were revised to correct the typographical/transcription error. The annual fee listed for "Medical – Diagnostic & Therapy" was

corrected from \$4,500 to \$4,000, and the annual fee listed for “Medical – Diagnostic, Therapeutic, Emerging Technologies” was corrected from \$4,000 to \$4,500. No other changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board of Health on July 10, 2019.

Fiscal Impact

This rule making has a fiscal impact to the State of Iowa. There are no potential costs to the Department, but there is an overall increase of 81 percent in annual costs to the regulated radiation community (approx. \$930,000). Overall, increased fees will positively impact the Bureau’s ability to maintain operations to protect public health and safety through regulation of the operation and use of radiation machines and radioactive materials. The public will be positively impacted by continued assurance that the use of these radiation equipment and radioactive materials continues to be safe. The registrants and licensees may be adversely impacted by the increase in costs to their industry through the fee increases, but there would be a greater adverse impact if this modest fee increase were not approved and the federal fee structures and oversight were imposed on their industry. Specifically, for the radioactive materials licensees, the fiscal note for this rule making indicates the impact to the overall radioactive materials industry in Iowa if the NRC took back authority as compared to the adopted new fees for the Iowa radioactive materials program.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s variance and waiver provisions contained in 641—Chapter 178.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on September 18, 2019.

The following rule-making actions are adopted:

ITEM 1. Amend subrules 38.8(1) to 38.8(3) as follows:

38.8(1) Radiation machines.

a. Each registrant shall, at the time of registration and the anniversary date thereafter, as long as the registrant owns the radiation machine, remit to the agency a nonrefundable fee sufficient to defray the cost of registering the equipment with the department. All fees shall be paid annually ~~in the form of a~~ by credit card or by check or money order made payable to the Iowa Department of Public Health. The fees to be paid shall be in the amount computed by the following schedule:

ANNUAL FEE SCHEDULE

Type of X-ray machine	Fee per tube	Maximum fee
1. Medical	\$51 <u>\$120</u>	\$1500 <u>\$3,000</u>
2. Osteopathy	\$51 <u>\$120</u>	\$1500 <u>\$3,000</u>
3. Chiropractic	\$51 <u>\$120</u>	\$1500 <u>\$3,000</u>
4. Dentistry	\$39 <u>\$60</u>	\$1000 <u>\$1,550</u>
5. Podiatry	\$39 <u>\$75</u>	\$1000 <u>\$2,000</u>
6. Veterinary Medicine	\$25 <u>\$60</u>	—
7. (Industrial/Nonmedical Use)	\$50 <u>\$100</u>	—
8. Food Sterilization	\$1000 <u>\$500</u>	—
9. Accelerators and Electronic Brachytherapy Units	\$100 <u>\$275</u>	—
10. Electron Microscope	\$20 <u>\$40</u>	—
11. Bone Densitometry	\$25 <u>\$55</u>	—

Fees for radiation machines not listed in the above schedule shall not be less than ~~\$50~~ \$120 per unit/tube.

b. Each registrant shall, where appropriate, pay the following special inspections/interpretation fee at the written request of the department:

(1) Mammography unit inspections fees:

~~1.~~ 1. ~~\$900~~ \$1,575 for the first unit and, if the facility has additional units at the address of the first unit, a fee of ~~\$325~~ \$375 for each additional unit; or

~~2.~~ 2. ~~\$900~~ \$1,575 per portable unit for each site where the unit is off-loaded and used and where the processing and patient films are stored; or

~~3.~~ 3. Dollar amount to be determined and justified by the department on a case-by-case basis for facilities which do not meet the above criteria; or

~~4.~~ 4. ~~\$450~~ \$675 for the second facility follow-up visit to review or determine the corrective action taken to address noncompliances; or

~~5.~~ 5. ~~\$900~~ \$1,575 for each stereotactic breast biopsy unit.

(2) Mammography interpretation fees of \$100 per mammography examination provided to the department for the purpose of determining film diagnostic quality.

(3) Industrial and oncology accelerator registrants and electronic brachytherapy registrants shall pay for each inspection a fee of ~~\$400~~ \$900 for the first unit and ~~\$100~~ \$225 for each additional unit.

(4) Industrial radiography X-ray units/walk-in cabinet radiography X-ray unit registrants shall pay for each inspection a fee of ~~\$250~~ \$450 for the first unit and ~~\$75~~ \$130 for each additional unit.

c. Each person who is engaged in the business of installing or offering to furnish radiation machines or is engaged in the business of furnishing or offering to furnish radiation machine servicing or service in the state shall apply for registration of such service with the agency prior to furnishing or offering to furnish any such service. Application shall be on a form provided by the department and include an annual nonrefundable fee of ~~\$400~~ \$200.

d. Each person engaged in providing health physics services in mammography in Iowa, who meets the requirements of 641—paragraph 41.6(3) “c” and is deemed qualified by this agency, must submit a ~~\$40~~ \$100 annual listing fee to this agency.

e. All mammography facilities providing services in Iowa must submit a ~~\$50~~ \$150 annual authorization certification fee.

f. All Iowa-accredited facilities providing mammography services in Iowa must submit a \$200 accreditation fee for initial accreditation and each reaccreditation.

38.8(2) Radioactive material fee schedule. Fees associated with the possession and use of radioactive materials in Iowa shall not exceed those specified in 10 CFR 170.31 and 10 CFR 171.16. The following fee schedule shall apply.

	Program Code	Category	Type	New License Fee	Inspection Priority	Annual Fee
(3.L.)	01100	AAB	Academic Type A Broad	\$5,000 \$5,400	1	\$10,500 \$14,600
(8.A.)	03710	CD	Civil Defense	\$1,000 \$2,500	5	\$1,000 \$2,000
(3.E.)	03510	II	Irradiators, Self-Shielding <10,000 Curies	\$2,000 \$3,200	5	\$650 \$2,600
(3.O.)	03320	IR1	Industrial Radiography – Temporary Job Sites	\$4,500 \$3,100	1	\$4,300 \$8,000
(3.P.)	03120	FG	Measuring Systems – Fixed Gauge	\$1,300 \$3,400	5	\$650 \$2,000
(3.P.)	03121	PG	Measuring Systems – Portable Gauge	\$1,300 \$3,400	5	\$650 \$2,000
(3.P.)	02410	IVL	<i>In-Vitro</i> Testing Laboratory	\$1,300 \$3,400	5	\$650 \$2,000
(7.C.)	02230	HDR	High Dose Rate Afterloader	\$2,300 \$5,500	1	\$3,400 \$5,100
(7.C.)	02120	M1	Medical – Diagnostic & Therapy	\$2,300 \$5,500	3	\$1,500 \$4,000
(7.C.)	02121	M2	Medical – Diagnostic Only	\$2,300 \$5,500	4	\$1,200 \$3,600
(7.C.)	02240	MET	Medical – Diagnostic, Therapeutic, Emerging Technologies	\$2,300 \$5,500	2	\$2,000 \$4,500
(3.S.)	03210	PET	Accelerator-Produced RAM	\$3,000 \$7,500	1	\$4,300 \$5,375
(3.C.)	02500	NP	Nuclear Pharmacy	\$3,000 \$5,100	1	\$3,500 \$7,700
(7.C.)	02231	NV1	Nuclear Medical Van	\$2,300 \$4,140	2	\$1,800 \$4,000
(7.C.)	22160	PMM	Pacemaker – By-Product and/or SNM	\$2,300 \$2,600	T	Note 5
(3.M.)	03620	RD2	Research & Development – Other	\$2,500 \$4,375	3	\$1,350 \$4,000
(2.C.)	11300	SM1	Source Material, Other, >150 Kilograms	\$6,000 \$2,600	3	\$2,250 \$4,000
(1.D.)	22120	SNM2	SNM Plutonium – Neutron Source	\$1,500 \$2,600	5	\$500 \$3,750
(3.P.)	03221	CAL	Calibration and W/L Tests	\$1,300 \$2,275	5	\$650 \$3,900
(3.P.)	03122	XRF	X-Ray Fluorescent Analyzer	\$1,300 \$2,275	7	\$650 \$1,860
(3.P.)	02400	VMT	Veterinary Medicine – Therapy	\$1,300 \$3,250	3	\$650 \$3,900
(3.B.)	03214	MD	Manufacturing/Distribution	\$3,500	3	\$1,800 \$3,980

Notes:

1. Reciprocity fee is \$1,800 annually (180 days).
2. Inspection priorities are based on NRC inspection manual chapter 2800. Priority "T" is a telephonic contact and is not considered an inspection.
3. License amendment fee for all categories is ~~\$400~~ \$600.
4. Annual fees are due no later than September 1 of each year. A 10% late charge will be assessed per month for late payments. Licensees with more than two authorized locations of use will be charged an additional 10% of the annual fee per location.
5. Separate annual fees will not be assessed for pacemaker licenses issued to medical institutions that also hold nuclear medicine licenses with the agency.
6. General license registration fee is ~~\$250~~ \$700 annually on registration anniversary.

38.8(3) Industrial radiography testing and certification.

a. A nonrefundable fee of ~~\$175~~ \$275 shall be submitted with each application for taking an industrial radiography examination to become certified by the agency.

~~b. A fee of \$25 shall be submitted in order to replace lost identification cards issued to industrial radiographers by the agency pursuant to 641—subrule 45.1(10).~~

~~c. b.~~ A nonrefundable fee of ~~\$75~~ \$120 shall be submitted with each application, not associated with an agency-administered industrial radiography examination, for a trainee or trainer card issued to a radiographer's assistant or an industrial radiographer.

ITEM 2. Amend subrule 38.8(8) as follows:

38.8(8) Reciprocity. Fees paid for reciprocal recognition of out-of-state persons wishing to utilize radiation machines or radioactive materials in Iowa shall allow the out-of-state person to operate for a total of 180 days during the 365-day reciprocity period starting the date the fee is received by the agency.

a. Radiation machines. Any out-of-state person who wishes to bring an X-ray machine or linear accelerators into the state to perform work or services shall pay a reciprocity fee of ~~\$100 for each source of radiation~~ \$500.

b. Radioactive materials. Out-of-state persons wishing to bring sources of radioactive material into Iowa for business purposes may be subject to a reciprocity fee depending on the type of activity to be performed and the type of radioactive materials license possessed (refer to 641—subrule 39.4(90)). If a reciprocity fee is applicable, it shall be assessed at the rate for reciprocity specified in the radioactive materials fee schedule available through the agency for each 365-day reciprocity period.

~~c. Industrial radiographers wishing to operate in Iowa under an identification card from a jurisdiction recognized by Iowa that charges Iowa card holders a fee will be assessed and must pay a \$100 fee prior to conducting industrial radiography in Iowa.~~

ITEM 3. Amend rule 641—42.5(136C) as follows:

641—42.5(136C) Permit to practice as a general radiologic technologist.

42.5(1) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the appropriate completed application.
- c. Submit a nonrefundable ~~\$60~~ \$100 application fee.
- d. Submit proof of a passing score on the ARRT general radiography examination.

42.5(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.
- b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.5(3) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and nonrefundable ~~\$60~~ \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.5(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

ITEM 4. Amend rule 641—42.6(136C) as follows:

641—42.6(136C) Permit to practice as a general nuclear medicine technologist.

42.6(1) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the appropriate completed application.
- c. Submit a nonrefundable ~~\$60~~ \$100 application fee.
- d. Submit proof of a passing score on ARRT's nuclear medicine examination or the NMTCB nuclear medicine examination.

42.6(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.
- b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.6(3) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and nonrefundable ~~\$60~~ \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.6(1).
- b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

42.6(4) An individual applying for a nuclear medicine diagnostic computed tomography endorsement shall:

- a. Maintain an active permit to practice as a general nuclear medicine technologist. Endorsements may not be held without an active permit.
- b. Submit proof of a passing score on the ARRT or NMTCB computed tomography examination.

ITEM 5. Amend rule 641—42.7(136C) as follows:

641—42.7(136C) Permit to practice as a radiation therapist.

42.7(1) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the appropriate completed application.
- c. Submit a nonrefundable ~~\$60~~ \$100 application fee.
- d. Submit proof of a passing score on the ARRT's radiation therapy examination.

42.7(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.
- b. Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.7(3) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and nonrefundable ~~\$60~~ \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.7(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 24.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

ITEM 6. Amend rule 641—42.8(136C) as follows:

641—42.8(136C) Permit to practice as a radiologist assistant.

42.8(1) An individual applying for an initial permit shall:

- a. Submit the appropriate completed application.
- b. Submit a nonrefundable ~~\$60~~ \$100 application fee.
- c. Submit proof of completion of formal education for a radiologist assistant.
- d. Submit proof of one year of experience as a general radiologic technologist.
- e. Submit proof of passing score on the ARRT radiologist assistant examination or another examination that is recognized by the department.

42.8(2) An individual renewing a current permit shall:

- a. Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.
- b. Report 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit. Radiologist assistant permit holders must obtain at least one-half of the required continuing education in subject areas specific to radiography. The remainder may be earned as physician credit hours.

42.8(3) An individual reinstating an expired permit shall submit the following:

- a. Application to reinstate and nonrefundable ~~\$60~~ \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.8(1).
- b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 50.0 hours of continuing education obtained within the previous 24 months must be submitted.
- c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

ITEM 7. Amend subrules 42.9(2) to 42.9(4) as follows:

42.9(2) An individual applying for an initial permit shall:

- a. Be at least 18 years of age.
- b. Submit the appropriate completed application.
- c. Submit a nonrefundable ~~\$60~~ \$100 application fee.
- d. Submit proof of completion of formal education in all limited diagnostic radiography categories for which the individual is applying. In order to apply for the shoulder category, the individual must also apply for the chest or extremity category. In order to apply for the pediatric category, the individual must also apply for the chest or extremity category. Each individual making application to attend a formal education course provided by the department to fulfill the requirements of 42.9(2)“d” must submit an application and nonrefundable fee of \$200 to the department each time the individual attends a course.
- e. Submit proof of completion of testing as applicable for each permit category for which the individual is applying on the limited radiologic technologist permit. No examination is required for the categories of shoulder or pediatric.

(1) The following are passing scores:

1. A score of at least 70 percent on the ARRT limited scope of practice in radiography examination core section and at least 70 percent on each category; or
 2. A score of at least 70 percent on the American Chiropractic Registry of Radiologic Technologists Limited Radiography examination; or
 3. A score of at least 70 percent on a department-approved examination.
- (2) Three failed attempts on the examination in 42.9(2)“e”(1)“1” or “3” will require the individual to repeat the formal education or complete a department-approved review program.

(3) Each individual making application to take an examination as a limited radiologic technologist in 42.9(2) “e”(1) “1” or “3” must submit an application and nonrefundable fee of ~~\$135~~ \$200 to the department each time the individual takes the examination.

f. Submit proof of completion of formal education and examination in the category to be added and a nonrefundable ~~\$25~~ \$40 amendment fee to add chest, extremity or spine category to an existing limited radiologic technologist permit. A score of at least 70 percent on each category is required.

g. Submit proof of completion of formal education and a nonrefundable ~~\$25~~ \$40 amendment fee to add shoulder or pediatric category to an existing limited radiologic technologist permit. No examination is required.

42.9(3) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.

b. Report 12.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.

42.9(4) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable ~~\$60~~ \$150 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of rule 641—42.9(136C).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 12.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

ITEM 8. Amend subrules 42.10(1) to 42.10(3) as follows:

42.10(1) An individual applying for an initial permit shall:

a. Be at least 18 years of age.

b. Submit the completed application.

c. Submit a nonrefundable ~~\$25~~ \$40 application fee.

d. Submit proof of completion of a formal education that meets the department minimum training standards. Each individual making application to attend an X-ray equipment operator formal education course provided by the department to fulfill the requirement of 42.10(1) “d” must submit an application and nonrefundable fee of \$150 to the department each time the individual attends the course.

e. Submit proof of at least a 70 percent score on a department-approved examination.

(1) All podiatric X-ray equipment operators must pass the examination with a 70 percent score. After January 1, 2015, all bone densitometry equipment operators must submit proof of at least a 70 percent score on a department-approved examination.

(2) Three failed attempts on the examination in 42.10(1) “e”(1) will require the individual to repeat the formal education or complete a department-approved review program.

(3) Each individual making application to take an examination as an X-ray equipment operator to meet the requirements of 42.10 “e”(1) must submit an application and nonrefundable fee of \$100 to the department each time the individual takes the examination.

42.10(2) An individual renewing a current permit shall:

a. Renew annually by submitting a renewal application and a nonrefundable ~~\$25~~ \$40 renewal fee.

b. Report 4.0 hours of continuing education obtained within the biennium indicated on the individual’s permit.

42.10(3) An individual reinstating an expired permit shall submit the following:

a. Application to reinstate and nonrefundable ~~\$25~~ \$75 application fee. If the permit is expired six months or more, all previous exemptions from this chapter are no longer valid and the individual is subject to all requirements of subrule 42.10(1).

b. Any continuing education hours due at time of renewal. If the permit is expired more than one year past the expiration date, 4.0 hours of continuing education obtained within the previous 24 months must be submitted.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

ITEM 9. Amend rule 641—42.12(136C) as follows:

641—42.12(136C) Closed classification or category permits.

42.12(1) The following classifications or categories are closed to new applicants. Permits in the following classifications or categories that are expired for more than six months are not eligible to be reinstated, and individuals shall maintain current permits as outlined below:

a. Limited in-hospital radiologic technologist shall:

(1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, in a hospital setting only for specific body parts for which the individual is qualified.

(2) Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.

(3) Report 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

b. Limited nuclear medicine technologist shall:

(1) Perform nuclear medicine procedures for which the individual is qualified and has been authorized by the department.

(2) Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.

(3) Report 12.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

c. Limited radiologic technologist paranasal sinus shall:

(1) Perform diagnostic radiography procedures, excluding CT and fluoroscopy, specific to paranasal sinus.

(2) Renew annually by submitting a renewal application and a nonrefundable ~~\$50~~ \$75 renewal fee.

(3) Report 6.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

42.12(2) An individual renewing a permit expired less than six months shall submit the following:

a. Application to reinstate and nonrefundable ~~\$60~~ \$150 application fee.

b. Any continuing education hours due at time of renewal.

c. Proof that all stipulations of any order(s) of disciplinary or enforcement action have been satisfied.

ITEM 10. Amend rule 641—42.13(136C) as follows:

641—42.13(136C) Combining permits for an individual qualifying for permits in more than one classification.

42.13(1) An individual applying for an initial permit in more than one classification at the same time shall combine classifications on one permit by:

a. Indicating each classification on the appropriate completed application;

b. Submitting the required documentation for each classification as outlined in each classification section; and

c. Submitting a nonrefundable ~~\$100~~ \$150 application fee.

42.13(2) Permit holders shall add a classification to an existing permit by:

a. Completing the appropriate application;

b. Submitting the required documentation as outlined in the section specific to the classification to be added; and

c. Submitting a nonrefundable ~~\$25~~ \$40 fee.

42.13(3) An individual renewing a combined classification permit must submit the appropriately completed renewal application and submit a nonrefundable ~~\$75~~ \$110 renewal fee.

42.13(4) An individual shall submit a total of 24.0 hours of continuing education obtained within the biennium indicated on the individual's permit. If the permit includes the radiologist assistant

classification, then the individual must submit a total of 50.0 hours of continuing education obtained within the biennium indicated on the individual's permit.

[Filed 7/15/19, effective 9/18/19]

[Published 8/14/19]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/14/19.